

No. 23-1384

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

APPALACHIAN VOICES, ET AL.,
Petitioners,

v.

UNITED STATES DEPARTMENT OF THE INTERIOR, ET AL.,
Respondents,

and

MOUNTAIN VALLEY PIPELINE, LLC,
Intervenor.

UNOPPOSED MOTION TO MODIFY BRIEFING SCHEDULE

Pursuant to Rule 27 of the Federal Rules of Appellate Procedure, Petitioners respectfully move the Court to modify the schedule governing briefing on Mountain Valley Pipeline, LLC’s Motion to Dismiss for Lack of Jurisdiction or, in the Alternative, for Summary Denial (CM/ECF #36). Federal Respondents and Respondent-Intervenor Mountain Valley Pipeline, LLC (“Mountain Valley”) consent to the relief sought by this motion.

On June 5, 2023, Mountain Valley filed a motion to dismiss, or in the alternative for summary denial. CM/ECF #36. The Court directed Petitioners to file a response by June 15, 2023. CM/ECF #37.

Counsel for Federal Respondents has notified counsel for Petitioners that Federal Respondents intend to file their own motion to dismiss in this petition for review, with a target filing date of June 13, 2023.

To avoid duplicative serial briefing and facilitate orderly review of Mountain Valley's pending motion and Federal Respondent's anticipated motion, Petitioners request the Court enter an order granting the following relief, to which the Federal Respondents and Intervenor-Respondent consent:

- Suspending Petitioners' deadline for filing a response to Mountain Valley's motion to dismiss, pending further order of the Court;
- Directing Petitioners to file a single unified response to Mountain Valley's motion to dismiss and Federal Respondents' anticipated motion to dismiss on or before June 27, 2023; and
- Expanding the word limit for Petitioners' unified response to the greater of either (a) 5,200 words or (b) the sum of the word count in Mountain Valley's motion to dismiss and Federal Respondents' motion to dismiss.

This unopposed modification to the current briefing schedule is appropriate because the issues presented by the motions to dismiss are expected to overlap, such that unified briefing will assist the parties and the Court.

DATED: June 9, 2023

Respectfully submitted,

/s/ Elizabeth F. Benson

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CERTIFICATE OF COMPLIANCE

1. This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because this motion contains 284 words, excluding the parts of the motion exempted by Fed. R. App. P. 27(d)(2) and Fed. R. App. P. 27(a)(2)(B).
2. This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this motion has been prepared in a proportionally spaced typeface using Microsoft Word in Times New Roman 14-point font.

Dated: June 9, 2023

/s/ Elizabeth F. Benson
Elizabeth F. Benson

CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System, which will automatically send e-mail notification of such filing to all counsel of record.

/s/ Elizabeth F. Benson
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